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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------------------|---------------------|------------------|
| 10/520,298 | 10/19/2005 | Ralf Schroder genannt Berghegger | 041165-9080-00 | 5075 |
| 23409 | 7590 | 10/20/2006 | EXAMINER | |
| MICHAEL BEST & FRIEDRICH, LLP 100 E WISCONSIN AVENUE MILWAUKEE, WI 53202 | | | STERRETT, JEFFREY L | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2838 | |

DATE MAILED: 10/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--|--|--|
| Office Action Summary | Application No. 10/520,298 | Applicant(s) GENANNT BERGHEGGER, RALF SCHRODER | |
| | Examiner Jeffrey L. Sterrett | Art Unit 2838 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 18 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 18 and 19 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>12/30/04 & 6/30/06</u> . | 6) <input type="checkbox"/> Other: ____. |

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in the European Patent Office on July 15, 2003. It is noted, however, that applicant has not filed a certified copy of the EPO application as required by 35 U.S.C. 119(b).
2. Applicant's election with traverse of a switched-mode power supply in the reply filed on September 25, 2006 is acknowledged. The traversal is on the grounds that the additional searching for nonelected invention II would not be unduly burdensome above and beyond the search for elected invention I. This is not found persuasive because the two inventions are in fact two separate and distinct invention as set forth in the restriction requirement and contrary to applicants assertion that the search for each of the two inventions each comprise only one subclass, the search for each of the two inventions actual require separate and distinct searches of plural subclasses requiring separate and distinct emphasis.

The requirement is still deemed proper and is therefore made FINAL. Therefore claims 18 and 19 remain withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention.

3. Claims 2-5 are objected to because of the following informalities.

Claim 2 is confusing and incorrect since in line 2 "the turn-off time of" is repeated.

Claim 3 is vague and indefinite since in line 4 "the control capacitor" lacks proper antecedent basis. It is suggested that claim 3 depend from claim 2 instead of claim 1.

Claims 4 and 5 are vague and indefinite since in line 2 of claim 4 “the control capacitor” lacks proper antecedent basis. It is suggested that claim 4 depend from claim 2 instead of claim 1.

Appropriate correction is required.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-8 and 12-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Nishida et al (US 2002/0186572).

Nishida et al discloses a switched mode power supply (1) comprising a transformer (T) with a primary winding (N1), a secondary winding (N2), and an auxiliary winding (N3); a primary switch (Q1); a freely oscillating control circuit (4) controlling the primary switch that includes a circuit generating a voltage from the auxiliary winding and a time control unit (R4, C5, D3, ZIC2, R5, Q3, R2, and C2 as set forth in lines 14-21 of paragraph 60, lines 17-23 of paragraph 97, and lines 16-22 of paragraph 139); and an optocoupler (PD/PT).

6. Claims 1 and 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Hosoya (US 4,208,705).

Hosoya discloses a switched mode power supply comprising a transformer (3) with a primary winding (N1), a secondary winding (N4 or N5), and two auxiliary windings (N2 and N3); a primary switch (Q1); and a freely oscillating control circuit controlling the

primary switch that includes a circuit generating a voltage from a auxiliary winding and a time control unit (6 as explained in lines 37-40 of column 3).

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nishida et al (US 6,922,345) is cited as the patent issuing from Nishida et al (US 2002/0186572).

Uramoto (US 5,175,675), Nishida et al (US 6,185,112, 6,295,211, 6,552,623, and 6,898,090), Nakahira et al (US 6,285,566), and Yamaguchi et al (US 6,577,511) are cited to show switched mode power supplies with OFF time duration control old and known in the art at the time of the invention.

Usui et al (US 4,758,937), Peterson et al (US 5,392,206), Hosotani (US 6,201,713 and 6,631,079), and Yasumura (US 6,317,337 and 6,452,817) are cited to show switched mode power supplies old and known in the art at the time of the invention.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey L. Sterrett whose telephone number is (571) 272-2085. The examiner can normally be reached on Monday-Thursday & 7:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Karl D. Easthom can be reached on (571) 272-1989. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2838

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jeffrey L. Sterrett
Primary Examiner
Art Unit 2838

A handwritten signature in black ink, appearing to read "Jeffrey L. Sterrett", written in a cursive style.